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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 521st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 January 1999, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Sweden (CRC/C/65/Add.3; HRI/CORE/1/Add.4; CRC/C/Q/SWE/2; written replies of the Government of Sweden to the questions raised in the list of issues)

1. At the invitation of the Chairperson, the members of the Swedish delegation took places at the Committee table.

2. Mr. SVENSSON (Sweden) said that an animated and fruitful discussion of issues relating to children - based on the provisions of the Convention - was continuously being carried out in Sweden. However, that did not mean that Sweden was experiencing great difficulties in complying with the Convention; on the contrary, that instrument was very much a living element in Swedish society. The Swedish Government considered the implementation of the Convention to be a continuous process in which the NGOs had an important role to play in safeguarding the rights and interests of the child. Having formed a network, those NGOs arranged annual hearings to which the Government was invited and which provided a forum for continuous dialogue about issues relating to children. Moreover, the Office of the Children's Ombudsman, set up in 1993, reported to the Government each year, drawing attention to possible shortcomings in relation to the provisions of the Convention. A committee of inquiry was currently reviewing the Ombudsman's activities and ascertaining what resources and powers were required to strengthen that institution and render it more effective.

3. Although Swedish children had, in general terms, excellent living conditions, the economic problems affecting Sweden in the past decade had had an impact on children in terms of their parent's unemployment or the risk of unemployment for instance. In addition, in many municipalities, the necessary economies had taken the form of larger groups in schools and a reduction in preventive measures and those targeted at children with special educational needs. The Swedish Government had now succeeded in restoring balance to the national budget and had therefore resumed its investment in high-priority areas, including children. Among other things, the municipalities had been granted additional funding since 1997, which they were obliged to spend on medical care, social services and schools. In the years to come, the Swedish Government would seek to improve the situation of children, focusing efforts on the plight of the most vulnerable groups, in particular those living in distressed urban areas. The regulations on child pornography had also been tightened and a parliamentary committee of inquiry into child abuse had recently been appointed. Society as a whole needed to be alerted to the problem and learn to react more swiftly to signs of child abuse.

4. The Government's strategy for the implementation of the Convention aimed at integrating the child perspective into all pertinent spheres of activity. That meant that public and private decision-makers who worked directly with children should be provided with information in order to facilitate their appreciation of children's needs. In that regard, the analyses, conclusions and proposals presented by the Child Committee provided a valuable basis for that work. In February 1996, the Government had appointed the parliamentary

committee and assigned it the task of studying how Swedish legislation and practice conformed with the provisions of the Convention. In its report, The best Interests of the Child as a Primary Consideration, the Child Committee concluded that, in the main, Swedish legislation was consistent with the Convention, while stressing that it was implementation at all levels of society - central, regional and local - that was vital. The various government offices had also used the report in their legislative work.

5. A number of measures had also been taken as a result of the concluding observations of the Committee on the Rights of the Child on Sweden's initial report. For example, the section in the Aliens Act dealing with the detention of minors had been amended and, as of 1 January 1997, the requirements for the detention of minors which had been previously applied to all aliens under the age of 16 now applied to all aliens under the age of 18. Moreover, the provisions relating to minors contained several safeguards and, considering the fact that minors were rarely detained, and if so only for short periods, he felt that current legislation and practice were in conformity with the Convention. In that connection, new provisions providing for sanctions other than imprisonment for young offenders had been adopted, while legislation on correctional care had been amended. It was still possible, in exceptional cases, to sentence a minor to imprisonment, but the sentence would not be served in a penal institution where adults were detained, if it was considered not to be in the minor's interest. The new provision was based on article 37 (c) of the Convention.

6. A bill for a strategy for implementing the Convention on the Rights of the Child had been submitted to Parliament in June 1998 and would be discussed in March 1999. The objective of the strategy was to develop the adult community's ability to listen to children and to see the effects of the various decisions from the perspective of the child. It also included turning the Convention into an active instrument whereby child impact analyses would be made in connection with all government decisions. The child perspective should also be incorporated into terms of reference issued to the various committees and commissions of inquiry. Furthermore, coordination of children's issues within the government offices would improve and all government officials whose work affected children would be offered in-service training in the principles of the Convention. The Government had also allocated special funds to the Office of the Children's Ombudsman for the production of training material and planning models. The information activities would be conducted by the Ombudsman and by the competent municipal and county authorities. NGOs and political parties would have an active role to play. The Swedish Government had invested a total of 30 million Swedish kronor (US$ 3.75 million) over a three-year period to finance the implementation of the Convention.

7. A great part of Sweden's bilateral and multilateral development cooperation was also directed towards improving the conditions of children. For instance, the Swedish Government had initiated a study on children's issues in cooperation activities for development to ensure that the best interests of the child were fully catered to therein. Particular emphasis would be placed on poverty, educational needs, health and social welfare. The Ministry of Foreign Affairs was responsible for coordinating the study, which was being conducted in cooperation with the NGOs, the Government and the other

ministries, as well as the private sector and business circles. The Swedish International Development Agency had long assigned priority to children's issues and had, since 1998, been using the Convention as a guide in project planning and preparation of country strategies.

8. Lastly, Sweden was the third largest contributor to UNICEF. The Government currently paid particular attention to child labour, sexual exploitation of children for commercial purposes, children in armed conflicts and education for girls and women. In addition, Sweden actively supported the promotion of children's rights in the countries in its vicinity, through the European Union, the Council of Europe, the Nordic Council and the Council of the Baltic Sea States.

9. Ms. SARDENBERG thanked the Swedish delegation for its oral presentation and praised the timeliness and seriousness with which Sweden discharged its obligations to report to the Committee, in accordance with the Convention. Given its actual and acknowledged commitment to the rights of the child, Sweden could serve as an example for all developing countries; it was therefore not surprising that the international community expected a great deal of the relevant Swedish initiatives.

10. She would like, first of all, to have clarification concerning the membership of the Swedish delegation, which was entirely female apart from its leader, since the Committee was always concerned when it saw that children's issues were still traditionally entrusted to women. On the subject of the proposed programme of work, coordination of which was entrusted to the Ministry of Foreign Affairs, did Sweden intend to play in diplomatic relations - including bilateral relations - the spearheading role it had already played in poverty eradication, sexual equality and the environment? Moreover, what progress had been made with the necessary integration of the private sector in the Government's activities on behalf of children?

11. Turning to the dissemination of the Convention, she asked whether a simplified version of the Convention had been prepared for young children or for handicapped children and whether the text of the Convention had been translated into the various languages spoken by immigrant children. Moreover, where legislation was concerned, was direct incorporation of the Convention into domestic law still an option, despite its rejection by Parliament in 1995? She was also surprised to note that, despite the announcement of a global approach for implementation of the Convention, it was the Ministry of Health which was coordinating the implementation measures. Was that not rather a sectoral approach which conveyed to the population the message that child-related issues basically concerned health? Did the authorities plan to set up a special mechanism to monitor implementation of the Convention? It was sometimes difficult to maintain a unified approach to the Convention in a context of administrative centralization; she wondered, therefore, how the Swedish authorities were ensuring that it was being implemented equally in all the country's municipalities, despite differences of priority and economic difficulties.

12. She would like to know who was responsible for evaluating the activities of the Children's Ombudsman and what were his links with the Government and with the Ombudsman against Ethnic Discrimination. Also, concerned at the

situation of vulnerable groups, she asked what were the main lines of the publication concerning urban policy for the forthcoming millennium and what form they would actually take. What was the status of the phenomenon of violence in schools at present?

13. Ms. OUEDRAOGO associated herself with the questions asked by Ms. Sardenberg. She also asked why Parliament had rejected incorporation of the Convention into domestic legislation in 1995, since it had been proved that the provisions of the Convention were broadly reflected in the national laws. Moreover, at the time the initial report had been submitted, the Committee had welcomed the fact that the Swedish authorities were considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. What had prevented the Government from ratifying that instrument?

14. She also called for more information on the mechanisms existing or envisaged for coordinating the activities of the local and central authorities responsible for implementing the Convention, particularly since some municipalities were richer than others, which could result in discrimination against children living in less affluent municipalities. Could the Swedish delegation also say whether the Children's Ombudsman played a role in the elaboration of laws and what follow-up was given to the recommendations in his annual report? Also, what measures was the Government taking to attenuate the effects of the budgetary constraints on children, especially the most vulnerable?

15. In its written reply to question 7 in the list of issues, the Government had said that the Children's Ombudsman would prepare, in cooperation with the competent authorities, a programme for training public-sector personnel: who would be responsible for training private-sector personnel? Moreover, which provisions of the Convention had been disputed during the information campaigns, both by the public as a whole and by professionals, and how was the Government ensuring that adults familiarized themselves with the Convention? Lastly, she understood that the minimum age for marriage was 15 for alien children and 18 for Swedish children. If that was so it was an act of discrimination that should be put right. With regard to traditional practices detrimental to the health of women and girls, including genital mutilation, she strongly encouraged the Swedish authorities to strengthen the measures they had already taken to protect children from such practices.

16. Ms. MOKHUANE asked how the authorities were, in practice, applying the principle of the best interests of the child, especially with regard to children seeking asylum, child refugees and children performing work that could hinder their development. The Children's Ombudsman apparently thought that the best interests of the child were not sufficiently taken into account in child-related decisions. Moreover, Sweden would seem to have considerably improved the health situation of children, especially in terms of infant mortality, morbidity and perinatal mortality. However, beyond the child's physical development, it would be interesting to have details on the measures taken to ensure children's psychological, mental, moral and social development. The Swedish delegation might also indicate what successes the Government had achieved and what obstacles it had encountered in its fight against racism and racial discrimination. Had anyone been sentenced under the

law banning racial discrimination since the presentation of the initial report? Lastly, on the question of freedom of expression, the Children's Ombudsman had said in his report that children's opinions were not sufficiently taken into account. Consequently, she inquired what obstacles stood in the way of children's full exercise of the right to express their opinion freely on any matter concerning them within or outside the family.

17. Mr. FULCI remarked that Sweden was evidently doing all in its power to implement the Convention effectively. However, the State party might indicate in greater detail, in accordance with article 44 of the Convention, the factors and difficulties that prevented it from fully discharging the obligations imposed on it by the Convention. It might also further explain what follow-up it had given to the recommendations proposed by the Committee following consideration of the initial report. For instance, did the Government plan to implement the Committee's recommendation to raise from 15 to 18 the age at which a person could join the National Guard?

18. In paragraphs 214-224 of its report, the Swedish Government described the actions taken to give effect, in accordance with the Committee's recommendation, to article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Did it plan to take new legislative or administrative measures to further strengthen protection of children of refugees and migrant workers and children belonging to minorities, who, as in most countries, were victims of increasing xenophobia, especially on the part of the younger generation? Lastly, he would like to know how children around 10 would reply if asked what they knew about the Convention and the rights set forth therein.

19. Mr. RABAH requested further information on the mechanisms in existence or envisaged for coordinating the activities of the local and central authorities, and on collaboration with NGOs, which were apparently very active in Sweden. Had those organizations been involved in the preparation of the report? There also seemed to be a contradiction between the Government's statement in its written reply to question 3, to the effect that the Office of the Children's Ombudsman was a non-political organ independent of the Government, and the fact that it must report to the Ministry of Health and Social Affairs. He asked for clarification of the matter. Lastly, the Swedish delegation might wish to provide specific examples of judicial rulings showing that the best interests of the child had been taken into consideration.

20. Ms. MBOI paid tribute to the Swedish Government's commitment to the cause of children - Swedish and foreign alike - and for its generous official development assistance. As to substance, she asked to what extent the Office of the Children's Ombudsman had succeeded, in its five or six years of existence, in changing behaviour patterns that ran counter to the provisions of the Convention and in convincing the population of that instrument's cogency. She also observed that, according to surveys conducted by NGOs in Sweden, all boys and 60 per cent of girls were already exposed to pornographic material by the age of 15. She therefore asked whether studies had been carried out to evaluate the consequences of the situation and whether measures were envisaged to remedy it. She also asked whether any global study had gauged the consequences for children of messages conveyed through the media,

including the Internet, which devoted a great deal of space to violence, racism and pornography. Lastly, the Swedish delegation might wish to explain how the Government monitored observance of the rights of stateless children, what measures it was taking in favour of underprivileged children in large towns, what remedies were available to children in conflict with the law and what the Government was doing to combat violence against women.

21. Ms. KARP asked for details on the incidence of violent crimes against children, including rape, sexual exploitation and incest, on relevant judicial decisions taken and on the social services responsible for helping victims. She would also like to know why the Convention was not often invoked in judicial decisions, when it was supposed to be a reference document. What measures had been taken or were envisaged to establish systematic training and retraining programmes on the Convention for jurists, magistrates, teachers and parents, not to mention political leaders and social workers, notably at the local level? It would also be useful to know whether children had the opportunity to be heard in any judicial or administrative proceedings concerning them.

22. She asked whether the municipalities were obliged to adopt a plan of action for children and could vote a specific children's budget. Also, she understood that it was currently impossible to appeal against a decision by the social welfare services not to grant assistance to a family and she wondered whether there were any plans to change that state of affairs. She also asked what links existed between the Parliamentary Ombudsman and the Children's Ombudsman and, since it was her understanding that the Children's Ombudsman was responsible for devising policies but did not have to hear individual cases, which body could receive complaints and what was the relationship between that body and the Ombudsman.

23. Turning to education, she asked whether the decision to transfer child health care to the education system applied only in primary schools and what the effects of the decision had been. She also asked how the principles contained in the Convention, especially children's participation and the possibility of recourse to a neutral body in the event of conflicts with parents, were accepted by the parents themselves. In his report, the Ombudsman had indeed raised a number of problems to be resolved concerning the best interests of the child, including the right to consult a doctor without the parents' consent and a child's appearance in court in the presence of the parents. In conclusion, she asked whether there were any age limits on the right of association and whether children were themselves involved in the dissemination of the Convention and in measures to resolve problems such as violence and drugs.

24. Mr. KOLOSOV welcomed the progress achieved in Sweden with the protection of children's rights. He regretted, however, that the Committee's guidelines had not been followed in the drafting of the report and advised the State party to provide more statistics on actual implementation of the Convention in its third periodic report. He had noted, for instance, that the report did not contain data on the dissemination of the Convention in the languages of minority groups. Another shortcoming was that it always referred to the types of protection guaranteed citizens by the Constitution. However, the Convention required that children should enjoy not only the rights accorded to

all citizens, but also the rights exclusive to them. Lastly, he suggested to the Chairperson that she should limit each speaker to five minutes, in accordance with rule 41 of the Committee's provisional rules of procedure.

The meeting was suspended at 11.50 a.m. and resumed at noon

25. Mr. SVENSSON (Sweden) said that, in the absence of a specific ministry, children and the family came under the Ministry of Health and Social Affairs. He thanked Mr. Kolosov for his advice concerning the drafting of the third periodic report, which would be duly heeded. On the subject of decentralization of responsibilities, he said that local representatives were elected by direct suffrage. Local communities had the right to levy taxes for funding local activities, but also received support, if the need arose, from affluent communities which helped deprived communities. While local communities were independent, they must still abide by the priorities and decisions taken by the Government, notably with regard to observance of the provisions of the Convention.

26. Ms. JAHN (Sweden) pointed out that, as stated in paragraph 86 of the report, and in accordance with Swedish juridical tradition, the Swedish Parliament had in 1995 rejected the proposal to incorporate the Convention in national law, but that the Government had instructed a parliamentary commission to review all legislation with a view to bringing it into line with the Convention. Its task had lasted a year and a half and had resulted in a report published in autumn 1997. Although the courts rarely cited the Convention in their rulings, they applied it widely and used it for interpretation of national texts. They paid particular attention to the best interests of the child.

27. Referring to traditional practices, she said that a special law prohibited any form of genital mutilation and that a bill was currently being studied with a view to making it impossible to appeal against a sentence for that crime. The Government had also entrusted the National Board of Health and Welfare with devising preventive measures against that practice.

28. Mr. SVENSSON (Sweden) added that Parliament would vote on the bill in question on 10 March 1999.

29. Ms. SAARINEN (Sweden) said that the ombudsmen, in their capacity as independent central authorities, had long been a part of Swedish tradition. The Children's Ombudsman, a post created in 1993, was appointed by the Government for a six-year term and received his general instructions and budget from the Government, but was quite free to devise his own programme of work and define his own strategies. He did not oversee the activities of the State or communities, nor did he deal with individual cases, responsibilities which fell to the Parliamentary Ombudsman. A commission of inquiry had been set up in autumn 1998 to assess the Ombudsman's work and consider ways in which his role and effectiveness could be strengthened. That commission was also considering whether the fact of being a governmental authority undermined the Ombudsman's independence and would submit its report to the Government in April 1999.

30. Ms. KORPI (Sweden), replying to the questions raised by Committee members concerning brutality of which children might be victims in schools, said that the Ministry of Education had considered whether that was really a problem and if remedial measures were needed. The opinions expressed by the persons concerned were divergent, but the Ministry had thought that even if a single child was brutalized, measures should be taken to protect all others. For instance, the education law had been amended on 1 January 1998 and all adults responsible for management of teaching establishments must now ensure that all abusive behaviour and acts of violence or racism against children were denounced and measures taken to avoid their recurrence. Moreover, the Government had instituted a new national school inspection system and, since the beginning of 1999, national inspectors were responsible for ensuring that no act of violence was committed in schools. The Government had also decided in 1998 to allocate the considerable sum of 10 million Swedish kronor to developing teachers' skills in the teaching of fundamental democratic values, as a matter of high priority. In parallel, a special project had been set up to raise greater awareness of the importance of those values at the national and local levels. Under that project, a special youth council, comprising young people approximately 16 years of age, would be created to serve as a forum in which the young people themselves could examine the questions raised, express their opinions and formulate their suggestions, which would be duly taken into account by the Ministry of Education. Also in that context, the National Agency for Education had been instructed by the Government to support local initiatives taken to further alert the population to the fundamental values of justice and tolerance.

31. With regard to making the Convention known to young pupils, the National Agency for Education had taken measures, starting in 1994, making it compulsory for teachers to be trained in the international instruments relating to education ratified by Sweden, including, of course, the Convention. To that end, all the texts of the international instruments in question had been distributed in schools throughout the country.

32. The budget cuts that had had to be made because of economic problems had made it necessary to reduce teaching staff, and the repercussions had been particularly felt by the most vulnerable pupils and those with learning difficulties. However, the level of school performance seemed not to have dropped below the level of the early 1990s and, where the quality of the services on offer in day-care centres and kindergartens was concerned, the staff's already very high level of professionalism did not appear to have suffered from the budget cuts. Nevertheless, the Government had decided to allocate by the year 2000 the substantial additional sum of 20 billion Swedish kronor for social services, health care and education, which should restore budgetary balance, notably in favour of children.

33. The Ministry of Education had also devised a special project against child pornography, which was closely linked to the Government's project on sensitization to the fundamental values of democracy in society as a whole and among children in particular. Lastly, there was in Sweden a very generous system of parental leave whereby a father or mother could remain at home following the birth of a child, while receiving 80 per cent of his or her regular salary. Likewise, there was a medical insurance system that allowed one of the two parents to remain at home with a sick child. However, as a

general rule, most children from the age of 1 attended the neighbourhood crèche, a system that had existed in Sweden for more than 30 years and which had proved effective.

34. Ms. SANDQVIST (Sweden), replying to the question on how far the provisions of the Aliens Bill conformed with those of article 3 of the Convention, said that the Swedish authorities planned to add a new introductory article to the legislation in force, which would provide that when a child was involved in a residence application procedure, for instance, special attention must be paid to the conditions required for obtaining the permit, with due regard to the child's state of health, level of development and best interests. Hence, in granting permits, the Aliens Appeals Board must now take account of humanitarian reasons specifically of interest to children. Those new provisions had not yet been officially approved, but it was hoped that they would be in the near future. Moreover, a special committee had been instructed to review the Swedish law on citizenship for preparation of proposals concerning children born of alien parents, who were stateless. The special committee's report was to be published in March 1999 and its conclusions would be included in Sweden's next periodic report to the Committee on the Rights of the Child.

35. Ms. BÄCKLUND (Sweden), replying to the questions asked about crime statistics, said that the National Council for Crime Prevention had been given until 1999 to set up - at the local, municipal and national levels - a new and more effective system for compiling statistics concerning violence, including sexual violence, against minors under 18. The new system would call for many changes in the procedure for preparing police reports, in prosecutions, etc., and while the statistics would doubtless not be immediately available in detailed form, the new system should be effectively applicable in the near future. Also, the National Council for Crime Prevention was represented on the Parliamentary Committee on Child Abuse and should be in a position to advise it on prevention measures that could be taken nationally in that area.

36. The National Council for Crime Prevention had nevertheless established statistics on crimes motivated by racism or xenophobia, the numbers of which had substantially increased in recent years, from 44 in 1990 to more than 330 in 1998, while acts of discrimination prohibited by law had risen from 47 to 180 over the same period. The few convictions for that type of crime proved that the legislation had not been enforced altogether effectively, which was why the Government was planning to review the legislation and impose stricter enforcement measures. In addition, training for judges and attorneys in children's rights and the child's role in the judicial procedure needed to be intensified and be the topic of a seminar designed especially for members of the judiciary in the near future. In addition, during parents' divorce proceedings, for instance, at which time a decision was taken on the custody of children, the latter, whose opinion was extremely important, could express their views during the preliminary investigations conducted by the social services and so need not be heard in the courtroom itself. Likewise, in the event of a crime being committed against a child, the interview with the alleged victim could be recorded on video cassette, thus avoiding the need for the child to testify directly in court.

37. Concerning the elimination of violence against women, the Swedish Parliament had in spring 1998 approved a bill designed to improve the data-collection and victim-identification system, notably through the police, the objective being, in particular, to provide better protection for children who were always victims of domestic violence, albeit indirectly.

38. Ms. VON HEIDENSTAM (Sweden) said that children's issues were now regularly taken into account at all stages of formulation of foreign policy and bilateral and multilateral cooperation agreements with third countries. On that subject, the Swedish Ministry of Foreign Affairs had prepared two White Papers, one on human rights and foreign policy and the other on democracy and cooperation for development. The Ministry of Foreign Affairs was also keenly aware of the need to provide all its staff with basic instruction in the fundamental principles concerning children's rights, as set forth in the Convention.

39. Replying to the question as to why Sweden had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, she said that it was an instrument dating back nearly 10 years, so far ratified by only five or six countries, the provisions of which were far too complex and detailed for a State such as Sweden to be able to commit itself to their full observance. Nevertheless, the Swedish Government had decided in October 1998 that the Ministry of the Interior would consult the other ministries with a view to formulating recommendations for possible ratification of that Convention. The outcome of the consultations would be known towards the end of January 1999.

40. In conclusion, she said that Swedish legislation on recruitment to the armed forces was very strict and that no one under 18 could perform military service or in any way be involved in hostilities or conflicts that might concern Sweden.

41. The CHAIRPERSON thanked the Swedish delegation for its initial replies to the questions on the list of issues relating to consideration of the second periodic report of Sweden.

The meeting rose at 1.05 p.m.